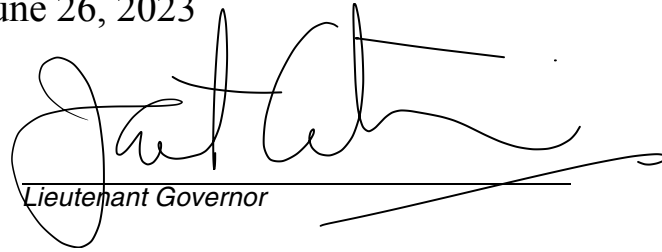


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 403

, Approved and Ordered June 26, 2023



Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

- (a) the following provisions of the *Forest and Range Practices Amendment Act, 2019*, S.B.C. 2019, c. 25, are brought into force:
 - (i) sections 1 (a), 6, 11 to 13, 29, 30, 35, 38, 39, 41, 56 and 57;
 - (ii) section 34 except insofar as it strikes out “38 (5),” and substitutes “38 (3),”
- (b) the Administrative Orders and Remedies Regulation, B.C. Reg. 101/2005, is amended as set out in the attached Schedule 1,
- (c) the Forest Planning and Practices Regulation, B.C. Reg. 14/2004, is amended as set out in the attached Schedule 2,
- (d) the Government Actions Regulation, B.C. Reg. 582/2004, is amended as set out in the attached Schedule 3,
- (e) the Range Planning and Practices Regulation, B.C. Reg. 19/2004, is amended as set out in the attached Schedule 4,
- (f) the Woodlot Licence Planning and Practices Regulation, B.C. Reg. 21/2004, is amended as set out in the attached Schedule 5,
- (g) effective April 1, 2024,
 - (i) sections 10, 43 and 48 to 55 of the *Forest and Range Practices Amendment Act, 2019*, S.B.C. 2019, c. 25, are brought into force, and
 - (ii) the Forest Planning and Practices Regulation, B.C. Reg. 14/2004, is amended as set out in the attached Schedule 6, and
- (h) effective January 1, 2026,
 - (i) section 5 of the *Forest and Range Practices Amendment Act, 2019*, S.B.C. 2019, c. 25, is brought into force, and
 - (ii) the Forest Planning and Practices Regulation, B.C. Reg. 14/2004, is amended as set out in the attached Schedule 7.



Minister of Forests



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Forest and Range Practices Amendment Act*, S.B.C. 2019, c. 25, s. 62
Forest and Range Practices Act, S.B.C. 2002, c. 69, s. 141, 146, 148, 149.1, 151, 151.1 and 163

Other: OIC 267/2005, OIC 17/2004, OIC 1246/2004, OIC 22/2004, OIC 24/2004

R10601219

SCHEDULE 1

- 1 *Section 16 (b) of the Administrative Orders and Remedies Regulation, B.C. Reg. 101/2005, is amended by adding “36.1;” after “36 (1);”.*
- 2 *Section 17 (c) is amended by adding “55.1;” after “55;”.*

SCHEDULE 2

- 1 *Section 1 of the Forest Planning and Practices Regulation, B.C. Reg. 14/2004, is amended*
 - (a) *in subsection (1) by adding the following definition:*

“**general ecological community measure**” means a general measure in relation to ecological communities established under section 9.1 of the Government Actions Regulation; ,
 - (b) *in subsection (1) by repealing the definition of “resource feature” and substituting the following:*

“**resource feature**” means

 - (a) an interpretive forest site, a recreation site or a recreation trail, or
 - (b) a resource feature identified under the Government Actions Regulation; ,

and
 - (c) *in subsection (2) by repealing the definition of “certify”.*
- 2 *Section 19 is amended*
 - (a) *by adding “and” at the end of paragraph (a), and*
 - (b) *by repealing paragraphs (c) and (d).*
- 3 *Section 22.1 is repealed.*
- 4 *Section 27 is amended by striking out “On request of a person who submits a forest stewardship plan for approval, the minister” and substituting “The minister”.*
- 5 *The following section is added to Division 5 of Part 2:*

Mandatory amendments

- 28.1** (1) For the purposes of section 8 (1) (a) (ii) of the Act, the holder of a forest stewardship plan must propose and submit, for approval by the minister and in accordance with that section, an amendment to the plan if a forest development unit included in the plan is affected by the establishment, variation or cancellation of any of the following:
- (a) a lakeshore management zone objective;
 - (b) water quality objective;

- (c) a wildlife habitat area objective;
- (d) an ungulate winter range objective;
- (e) a fisheries sensitive watershed objective.

(2) For the purposes of section 8 (1) (b) (i) of the Act, the holder of a forest stewardship plan must propose and submit, for approval by the minister and in accordance with that section, an amendment to the plan if a forest development unit included in the plan is affected by the designation of a temperature sensitive stream under section 15 of the Government Actions Regulation.

(3) For the purposes of section 8 (4) (b) of the Act, an amendment required under subsection (2) of this section must be submitted within 1 year after the date on which the temperature sensitive stream is designated.

6 *Sections 29 (f) and 32 are amended by adding “or (2)” after “section 8 (1)”.*

7 *Section 32.1 is amended*

(a) by striking out “a portion of a forest stewardship plan” and substituting “a portion of the area to which a forest stewardship plan applies”, and

(b) by adding “or” at the end of paragraph (a) and by repealing paragraph (b).

8 *Section 32.2 is repealed.*

9 *The heading to Division 6 of Part 4 is repealed and the following substituted:*

**Division 6 – General Wildlife Measures, General Ecological
Community Measures and Resource Features .**

10 *Section 69 is amended by adding “and general ecological community measure” after “general wildlife measure”.*

11 *Section 92 (1) is amended by adding “or general ecological community measure” after “general wildlife measure” wherever it appears.*

12 *The following section is added:*

Area to which section 196 (1) of the Act applies

116 (1) This section applies in relation to an area that, immediately before the repeal of section 32.1 (b) was

- (a) an area to which section 196 (1) of the Act applied, and
- (b) subject to a forest stewardship plan that was in effect.

(2) Section 32.1 (b), as it was immediately before its repeal, continues to apply to an area referred to in subsection (1) until the following:

- (a) if, on the repeal of that paragraph, the area had met the criteria set out in subsection (1) (a) and (b) for fewer than 3 years, the earlier of
 - (i) 3 years after the date that paragraph is repealed, and

- (ii) the date the forest stewardship plan expires;
- (b) if, on the repeal of that paragraph, the area had met the criteria set out in subsection (1) (a) and (b) for 3 years or longer, the earlier of
 - (i) 1 year after the date that paragraph is repealed, and
 - (ii) the date the forest stewardship plan expires.

SCHEDULE 3

1 *Section 5 (1) (f) of the Government Actions Regulation, B.C. Reg. 582/2004, is repealed.*

2 *The following sections are added:*

General ecological community measures

- 9.1** The minister responsible for the *Wildlife Act* by order may establish a general measure in relation to ecological communities, to be applied to a specified area, for a category of ecological community at risk if satisfied that
- (a) the measure is necessary to protect or conserve the ecological community in the category in the area to which the measure relates, and
 - (b) this regulation or another enactment does not otherwise provide for that protection or conservation.

Ecological communities and objectives

- 13.1** (1) The minister responsible for the *Wildlife Act* by order may establish one or more categories identifying ecological communities at risk if satisfied that the ecological communities are endangered, threatened or vulnerable.
- (2) The minister responsible for the *Wildlife Act* by order may establish one or more categories identifying ecological communities as regionally important if satisfied that the communities
- (a) are important to a region of British Columbia,
 - (b) provide habitat that requires special management that is not otherwise provided for in this regulation or another enactment, and
 - (c) may be adversely impacted by forest practices or range practices.

SCHEDULE 4

1 *The heading to Division 4 of Part 4 of the Range Planning and Practices Regulation, B.C. Reg. 19/2004, is repealed and the following substituted:*

Division 4 – General Wildlife Measures, General Ecological Community Measures, Wildlife Habitat Features and Resource Features .

2 *The following section is added:*

General ecological community measures

- 36.1** (1) By January 1 following the establishment of a general ecological community measure for an area, a range agreement holder who carries out a range practice in the area must ensure that the range practice is consistent with
- (a) the general ecological community measure, or
 - (b) a proposal approved under subsection (2).
- (2) The minister responsible for the *Wildlife Act* may exempt a range agreement holder from subsection (1) if
- (a) the holder proposes an alternative to the general ecological community measure, and
 - (b) that minister is satisfied that the proposed alternative is consistent with the general ecological community measure.

- 3** *Section 48 (1) is amended by adding the following:*
section 36.1 [*general ecological community measures*];

SCHEDULE 5

- 1** *Section 55 of the Woodlot Licence Planning and Practices Regulation, B.C. Reg. 21/2004, is amended by striking out “section 79 (2)” and substituting “section 79 (1)”.*

- 2** *The following section is added:*

General ecological community measures

- 55.1** Unless exempted under section 79 (1) [*minister may grant exemptions*], if a general ecological community measure is established for a woodlot licence area, a woodlot licence holder who carries out primary forest activities in the area must comply with each general ecological community measure that applies to the area.

- 3** *Section 79 (1) is amended*
- (a) *by adding* “or section 55.1 of this regulation in relation to a general ecological community measure” *after* “in relation to a general wildlife measure”, *and*
 - (b) *in paragraph (a) by adding* “or general ecological community measure” *after* “general wildlife measure”.

- 4** *Section 90 (1) is amended by adding the following:*
section 55.1 [*general ecological community measures*];

SCHEDULE 6

- 1** *Section 1 (1) of the Forest Planning and Practices Regulation, B.C. Reg. 14/2004, is amended by adding the following definition:*

“**BC timber sales business area**” means a BC timber sales business area established under section 10 of the Administrative Boundaries Regulation; .

2 *The following Part is added:*

PART 3.1 – FOREST OPERATIONS MAPS

Division 1 – Forest Operations Map Prepared by a Holder of a Forest Stewardship Plan

Forest operations map requirements – forest stewardship plan holder

34.1 For the purposes of section 15.1 (2) (a) (ii) of the Act, a forest operations map prepared by the holder of a forest stewardship plan must

- (a) be of a scale and size that the minister considers sufficient for meaningful review and comment, and
- (b) identify
 - (i) the holder of the forest stewardship plan who prepared the map,
 - (ii) the forest stewardship plan to which the map relates,
 - (iii) the approximate periods during which timber harvesting under a cutting permit is intended to occur on each cutblock required under section 15.1 (2) (a) (i) of the Act to be shown on the map, and
 - (iv) the approximate periods during which road construction under a road permit is intended to occur on each proposed road required under section 15.1 (2) (a) (i) of the Act to be shown on the map.

Publication of notice – forest stewardship plan holder

34.2 (1) For the purposes of making a forest operations map publicly available for review and comment under section 15.1 (2) (b) of the Act, the holder of a forest stewardship plan must publish a notice that meets the requirements set out in subsection (2)

- (a) on a publicly accessible website maintained by or on behalf of the plan holder or the government, and
 - (b) at least once in a newspaper.
- (2) A notice referred to in subsection (1) must include the following information, which must be the same in each notice:
- (a) a statement that the map is publicly available for review and comment at the plan holder's place of business or at another place specified in the notice;
 - (b) the beginning and end dates of the period during which persons may review the map and provide comments;
 - (c) an address at which and the hours during which persons may attend at the place to review the map;
 - (d) if applicable, a website address at which the map may be accessed;
 - (e) details regarding how comments may be submitted, including
 - (i) an address for personal delivery and the hours during which comments may be delivered,
 - (ii) a mailing address,

- (iii) an email address, and
 - (iv) if applicable, a website address for online submission;
 - (f) the 3-year period referred to in section 34.5 during which the plan holder may rely on the map for the purpose of applying for a cutting permit, or for a road permit to construct a road.
- (3) For the purposes of subsection (2) (b), the period during which persons may review and provide comments in relation to the map
- (a) subject to subsection (4), begins on the date specified in the notices published under subsection (1), and
 - (b) ends
 - (i) 30 days after that date, if no lesser number of days is determined under subparagraph (ii), or
 - (ii) a lesser number of days after that date that the minister may determine if the minister considers that the lesser number of days is necessary in order to respond to risks relating to the environment, forest health or wildfire.
- (4) The review period for a forest operations map must not begin until the notice required under subsection (1) in relation to the map has been published both on a publicly accessible website and at least once in a newspaper.

Review and comment – forest stewardship plan holder

- 34.3** (1) A holder of a forest stewardship plan who publishes a notice in relation to a forest operations map under section 34.2 (1) must, within the period referred to in section 34.2 (3),
- (a) if required by the minister, refer a copy of the map to an agency of government, or of the government of Canada, specified by the minister,
 - (b) provide a person who is interested in the map with an opportunity to review the map during normal business hours at the holder's place of business or other place specified in the notice, and
 - (c) refer a copy of the map to a timber sales manager who may be affected by the proposed timber harvesting or road construction shown on the map.
- (2) A person may submit comments in respect of the map, by the means specified in the notice, during the period referred to in section 34.2 (3).
- (3) The holder of the forest stewardship plan must consider any comments received under subsection (2) that are relevant to the forest operations map.

Report to minister – forest stewardship plan holder

- 34.4** For the purposes of section 15.1 (2) (c) of the Act, a report prepared by the holder of a forest stewardship plan on the public review of a forest operations map must include the following;
- (a) a copy of the notice published in relation to the forest operations map under section 34.2 (1);
 - (b) a copy of the map, in a form and manner that is satisfactory to the minister;

- (c) a description of any changes made to the map as a result of the comments received under section 34.3 (2).

Period during which forest operations map may be relied on

- 34.5** For the purposes of section 15.1 (3) (b) of the Act, a holder of a forest stewardship plan who intends to rely on a forest operations map for the purposes of applying for a cutting permit or road permit must apply for the cutting permit or road permit, as applicable, within 3 years after the date referred to in section 34.2 (3) (a).

Period during which record must be kept – forest stewardship plan holder

- 34.6** A holder of a forest stewardship plan who publishes a notice in relation to a forest operations map under section 34.2 (1) must keep a record of the map for at least five years after the date referred to in section 34.2 (3) (a).

Division 3 – Forest Operations Map Prepared by a Timber Sales Manager

Operating period

- 34.7** For the purposes of section 15.2 (1) (b) of the Act, 3 years is prescribed as the length of an operating period.

Forest operations map requirements – timber sales manager

- 34.8** For the purposes of section 15.2 (2) (a) (iii) of the Act, a forest operations map prepared by a timber sales manager must
- (a) be of a scale and size that the minister considers sufficient for meaningful review and comment, and
 - (b) identify
 - (i) the timber sales manager who prepared the map,
 - (ii) the BC timber sales business area to which the timber sales manager is appointed, and
 - (iii) the forest stewardship plan to which the map relates.

Publication of notice – timber sales manager

- 34.9** (1) For the purposes of making a forest operations map publicly available for review and comment under section 15.2 (2) (b) of the Act, a timber sales manager must, at least 30 days before the date the operating period to which the map relates begins, publish a notice that meets the requirements set out in subsection (2)
- (a) on a publicly accessible website maintained by or on behalf of the timber sales manager or the government, and
 - (b) at least once in a newspaper.
- (2) A notice referred to in subsection (1) must include the following information, which must be the same in each notice:
- (a) a statement that the map is publicly available for review and comment at the office of the timber sales manager or at another place specified in the notice;
 - (b) the beginning and end dates of the period during which persons may review the map and provide comments;

- (c) an address at which and the hours during which persons may attend at the place to review the map;
 - (d) if applicable, a website address at which the map may be accessed;
 - (e) details regarding how comments may be submitted, including
 - (i) an address for personal delivery and the hours during which comments may be delivered,
 - (ii) a mailing address,
 - (iii) an email address, and
 - (iv) if applicable, a website address for online submission;
 - (f) a statement that the timber sales manager may
 - (i) invite applications for timber sales licences for the harvesting of cutblocks shown on the map, and
 - (ii) apply for road permits to construct roads shown on the map.
- (3) For the purposes of subsection (2) (b), the period during which persons may review and provide comments in relation to the map
- (a) subject to subsection (4), begins on the date specified in the notices published under subsection (1), and
 - (b) ends
 - (i) 30 days after that date, if no lesser number of days is determined under subparagraph (ii), or
 - (ii) a lesser number of days after that date that the minister may determine if the minister considers that the lesser number of days is necessary in order to respond to risks relating to the environment, forest health or wildfire.
- (4) The review period for a forest operations map must not begin until the notice required under subsection (1) in relation to the map has been published both on a publicly accessible website and at least once in a newspaper.

Review and comment – timber sales manager

- 34.10** (1) A timber sales manager who publishes a notice in relation to a forest operations map under section 34.9 (1) must, within the period referred to in section 34.9 (3),
- (a) if required by the minister, refer a copy of the map to an agency of government, or of the government of Canada, specified by the minister, and
 - (b) provide a person who is interested in the map with an opportunity to review the map during normal business hours at the timber sales manager’s office or other place specified in the notice.
- (2) A person may submit comments in respect of the map, by the means specified in the notice, during the period referred to in section 34.9 (3).
- (3) The timber sales manager must consider any comments received under subsection (2) that are relevant to the forest operations map.

Period during which record must be kept – timber sales manager

- 34.11** A timber sales manager who publishes a notice in relation to a forest operations map under section 34.9 (1) must keep a record of the map for at least five years after the date referred to in section 34.9 (3) (a).

SCHEDULE 7

- 1** *Section 1 (1) of the Forest Planning and Practices Regulation, B.C. Reg. 14/2004, is amended by repealing the definition of “declared area”.*
- 2** *Sections 14 (4), 23, 30 (1), 32.1 (a) and 92.1 (3) (e) are repealed.*
- 3** *Section 22 (1) (b) (i) is amended by striking out “, (3) (j) or (k) or (4)” and substituting “or (3) (j) or (k)”.*